

From: Alister Kentish <akentish@cfmeu.com.au>

Sent: Friday, 27 August 2021 3:37 PM

To: Chambers - Bissett C <Chambers.Bissett.c@fwc.gov.au>; Hamish Harrington <Hamish.Harrington@aigroup.com.au>; 'Robert Coluccio' <rcoluccio@professionalsaustralia.org.au>; 'Adrian.Morris@ashurst.com' <Adrian.Morris@ashurst.com>; 'yolla@etuaustralia.org.au' <yolla@etuaustralia.org.au>; 'abha.devasia@amwu.org.au' <abha.devasia@amwu.org.au>; 'david@dghrservices.com.au' <david@dghrservices.com.au>; 'Trent.Sebbens@ashurst.com' <Trent.Sebbens@ashurst.com>

Subject: Re: AM2020/25 - Proposed tables in Schedules C and D

Dear Associate,

Other than one minor matter involving the headings on the tables in Schedule D, the CFMMEU identified no issues with the AIG proposals. I have checked with Mr Harrington and Mr Coluccio and understand that those parties agree with a slight amendment to two tables to refer to staff employees rather than, in the case of one of the tables, production and engineering employees.

The suggested changes to the tables are in red below.

Include cl. D.1.10 as follows

D.1.10 Full and part-time ~~production and engineering staff~~ employees - Regular Weekend workers (pursuant to clause 21.2(b)(ii)) – Overtime Rates

	% of minimum hourly rate
Overtime worked on a Public Holiday	300%
All other overtime	200%

Include cl. D.2.10 as follows

D.2.10 Casual Regular Weekend workers – ~~staff employees~~ - (pursuant to clause 21.2(b)(ii)) – Overtime Rates

	% of casual minimum hourly rate
Overtime worked on a Public Holiday	300%
All other overtime	200%

Kind regards,

Alister

Alister Kentish

National Legal Officer

T 02 9267 1035 M 0437 005 762 E akentish@cfmeu.com.au



Level 11, 215 Clarence Street
Sydney, NSW 2000
PO Box Q1641
Sydney NSW 1230
me.cfmeu.org.au

From: Chambers - Bissett C <Chambers.Bissett.c@fwc.gov.au>

Date: Thursday, 26 August 2021 at 9:48 am

To: Alister Kentish <akentish@cfmeu.com.au>, Hamish Harrington <Hamish.Harrington@aigroup.com.au>, 'Robert Coluccio' <rcoluccio@professionalsaustralia.org.au>, "'Adrian.Morris@ashurst.com'" <Adrian.Morris@ashurst.com>, "'yolla@etuaustralia.org.au'" <yolla@etuaustralia.org.au>, "'abha.devasia@amwu.org.au'" <abha.devasia@amwu.org.au>, "'david@dghrservices.com.au'" <david@dghrservices.com.au>, "'Trent.Sebbens@ashurst.com'" <Trent.Sebbens@ashurst.com>

Subject: RE: AM2020/25 - Proposed tables in Schedules C and D

OFFICIAL

Dear Mr Kentish

Commissioner Bissett requests that the CFMEU provide any comments by **no later than 5.00 pm Friday, 27 August 2021**.

If you have any queries in relation to this matter you can contact me on the details below.

Kind regards

LISA POWELL

Associate to Commissioner Bissett

Fair Work Commission

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The Fair Work Commission acknowledges that our business is conducted on the traditional lands of Aboriginal and Torres Strait Islander peoples. We acknowledge their continuing connection to country and pay our respects to their Elders past present and emerging.



From: Alister Kentish <akentish@cfmeu.com.au>

Sent: Wednesday, 25 August 2021 4:04 PM

To: Hamish Harrington <Hamish.Harrington@aigroup.com.au>; Chambers - Bissett C <Chambers.Bissett.c@fwc.gov.au>; 'Robert Coluccio' <rcoluccio@professionalsaustralia.org.au>; 'Adrian.Morris@ashurst.com' <Adrian.Morris@ashurst.com>; 'yolla@etuaustralia.org.au' <yolla@etuaustralia.org.au>; 'abha.devasia@amwu.org.au' <abha.devasia@amwu.org.au>; 'david@dghrservices.com.au' <david@dghrservices.com.au>; 'Trent.Sebbens@ashurst.com' <Trent.Sebbens@ashurst.com>

Subject: Re: AM2020/25 - Proposed tables in Schedules C and D

Dear Associate,

I refer to the matter AM2020/25 and the below emails. I can advise that the CFMMEU has no issue with the tables being broken up in the manner proposed if the larger tables have proven to be unworkable in the award. We agree with the Ai Group that it would appear C.1.5 appears to have been inadvertently missed and that reference to casual employment should be removed from Schedule C. As to the details of the Ai Group's proposal we would seek to be provided a short additional period in which to provide comment.

Kind regards,

Alister

Alister Kentish

National Legal Officer

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From: Hamish Harrington <Hamish.Harrington@aigroup.com.au>

Date: Wednesday, 25 August 2021 at 3:50 pm

To: Chambers - Bissett C <Chambers.Bissett.c@fwc.gov.au>, Alister Kentish <akentish@cfmeu.com.au>, 'Robert Coluccio' <rcoluccio@professionalsaustralia.org.au>, "'Adrian.Morris@ashurst.com'" <Adrian.Morris@ashurst.com>, "'yolla@etuaustralia.org.au'" <yolla@etuaustralia.org.au>, "'abha.devasia@amwu.org.au'" <abha.devasia@amwu.org.au>, "'david@dghrservices.com.au'" <david@dghrservices.com.au>, "'Trent.Sebbens@ashurst.com'" <Trent.Sebbens@ashurst.com>

Subject: Re: AM2020/25 - Proposed tables in Schedules C and D

Good morning,

AM2020/25 - Black Coal Mining Industry Award

We have reviewed the proposed changes to Schedules C and D and do not oppose the amendments made.

Aside from the correction of the errors already noted in the below correspondence, we have noticed that cl. C.1.5 – Regular weekend workers (pursuant to clause 21.2(b)(ii)), as reflected in the parties' most recent Report, is absent from Schedule C. Consistently with the parties' agreement to have this table included in the Schedule, we propose that it be reinserted as cl. C.1.10 (accommodating the renumbering in the Commission's reworked tables).

In addition to the above, the employer parties note additional issues pertaining to the reflection of the overtime rates for 'regular weekend workers' in Schedules C and D.

- No table for 'regular weekend workers' was proposed for inclusion in Schedule D – Summary of Hourly Rates of Pay – Staff Employees. This may give rise to an incorrect implication that the special overtime rates mandated under proposed cl. 21.2(b)(ii) are restricted to production and engineering employees. Given that proposed cl. D.1.3 - Full-time and part-time staff employees other than 6 day roster and 7 day roster employees—overtime rates (D.1.5 in the Commission's reworked draft) already indicates that the special overtime rates in cl 21.2(b)(ii) apply to staff employees, we do not anticipate that our position on this point would be controversial.
- If the Commission agrees that the overtime rates for 'regular weekend workers' should also be reflected in Schedule D, this would necessitate the inclusion of two tables. One for full and part-time employees and another for casual employees, given the structure of the schedule which separates these types of employment.
- The reference to the calculation of overtime rates in 'cl. C.1.5 – Regular weekend workers (pursuant to clause 21.2(b)(ii))' on the casual minimum hourly rate makes little sense given that the Award does not provide for engagement of casual employees in the production and engineering stream.

To address these concerns, we propose the following changes to the reworked draft:

Re-include cl. C.1.5 as C.1.10 and amend as follows

C.1.10 Full and part-time production and engineering employees - Regular Weekend workers (pursuant to clause 21.2(b)(ii)) – Overtime Rates

	% of minimum hourly rate or for casual employees, the casual minimum hourly rate
Overtime worked on a Public Holiday	300%
All other overtime	200%

Include cl. D.1.10 as follows

D.1.10 Full and part-time production and engineering employees - Regular Weekend workers (pursuant to clause 21.2(b)(ii)) – Overtime Rates

	% of minimum hourly rate
Overtime worked on a Public Holiday	300%
All other overtime	200%

Include cl. D.2.10 as follows

D.2.10 Casual Regular Weekend workers (pursuant to clause 21.2(b)(ii)) – Overtime Rates

	% of casual minimum hourly rate
Overtime worked on a Public Holiday	300%
All other overtime	200%

We understand that the Coal Mining Industry Employer Group supports the above position but have not yet received confirmation of this.

I am available to discuss this if further clarification is required.

Regards,



Hamish Harrington

Senior Adviser – Workplace Relations Policy

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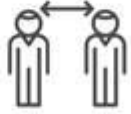
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AND
OTHERS**



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